



# INDIANA STATE BOARD OF EDUCATION

**To:** Indiana State Board of Education  
**From:** Chad E. Ranney, Deputy General Counsel – Indiana State Board of Education  
**Date:** November 14, 2018  
**RE:** **Approval of Proposed Rule – Dyslexia Screening and Intervention**

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**Recommendation:** Approve the Proposed Rule concerning dyslexia screening and intervention.

The Proposed Rule, which was presented to the State Board of Education (“Board”) for discussion on October 3, 2018, amends portions of 511 IAC 6.2-3.1 (Reading Plan) and updates the existing regulatory language to account for the requirements set forth in recently enacted legislation (P.L.95-2018). Under P.L.95-2018, the Board is required to adopt rules to ensure students will be screened as provided under IC 20-35.5 for risk factors of dyslexia.

Once the Proposed Rule is approved, Board staff will proceed with the rulemaking process. The rulemaking process shall proceed as follows:

- Board staff will seek a waiver from the Regulatory Moratorium as required by Financial Management Circular 2015-1 and Executive Order 13-03.
- Once a waiver is obtained, the Proposed Rule will be published in the Indiana Register.
- Public comments will be accepted.
- Board staff will conduct a public hearing.
- Public comments and suggested edits will be presented to the Board for the Board’s consideration.
- The Board will vote to approve the Final Rule.

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**TITLE 511 INDIANA STATE BOARD OF EDUCATION**

**Proposed Rule**

LSA Document #18-\_\_ \_\_ \_\_

DIGEST

Amends [511 IAC 6.2-3.1-1](#) and [511 IAC 6.2-3.1-3](#) and adds [511 IAC 6.2-3.1-6](#), [511 IAC 6.2-3.1-7](#), [511 IAC 6.2-3.1-8](#), [511 IAC 6.2-3.1-9](#), [511 IAC 6.2-3.1-10](#), and [511 IAC 6.2-3.1-11](#), concerning dyslexia screening and intervention, to update the regulatory language and to account for recently enacted legislation.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

[511 IAC 6.2-3.1-1](#); [511 IAC 6.2-3.1-3](#)

SECTION 1. [511 IAC 6.2-3.1-1](#) IS AMENDED TO READ AS FOLLOWS:

**[511 IAC 6.2-3.1-1 Definitions](#)**

**Authority:** [IC 20-19-2-8](#); [IC 20-32-8.5-4](#); [IC 20-35.5-2-6](#); [IC 20-35.5-7-3](#)

**Affected:** [IC 20-31](#); [IC 20-32-8.5](#); [IC 20-35.5](#)

Sec. 1. The following definitions apply throughout this rule:

**(1) “Authorized reading specialist trained in dyslexia” has the meaning set forth in [IC 20-35.5-1-2](#).**

~~(2)~~ **(2)** "Core reading program" means a scientifically-based program that provides a scope and sequence that scaffolds instruction in accordance with state academic standards.

~~(3)~~ **(3)** "Dedicated time" means that scientifically-based reading research is the primary basis for the instruction provided during that time period.

~~(4)~~ **(4)** "Differentiated instruction" means the process of matching instruction to meet the different needs of students.

**(5) “Dyslexia program” has the meaning set forth in [IC 20-35.5-1-3](#).**

~~(6)~~ **(6)** "English learner" means a student whose native language is not English and who is classified as a Level 1-4 limited English proficient or Level 5 fluent English proficient based on the LAS Links English proficiency assessment.

~~(7)~~ **(7)** "Individual learning plan" means the record keeping document developed for each English learner, outlining the student's level of English proficiency and instructional and assessment adaptations.

~~(8)~~ **(8)** "IREAD-3" is the reading test approved by the board to test reading proficiency.

~~(9)~~ **(9)** "Job-embedded time" means professional development that occurs during the course of the work day.

**(10) “Level I dyslexia screening” has the meaning set forth in [IC 20-35.5-1-4](#).**

**(11) “Level II dyslexia screening” has the meaning set forth in [IC 20-35.5-1-5](#).**

~~(8)~~ **(12)** "Parent-guided home reading program" means a guidebook on how to promote reading at home.

~~(9)~~ **(13)** "Principles of response to instruction" means the systemic process of meeting the educational needs of all students through the following:

(A) Professional accountability to ensure delivery of scientific research-based core curriculum and instruction.

(B) Ongoing monitoring of student data to assess instruction effectiveness.

(C) Determination and delivery of targeted and intensive individualized student supports.

Response to instruction guidance is available at the department's website.

~~(10)~~ **(14)** "Reading deficiency" means reading at a level not equivalent to grade-level reading proficiency.

~~(11)~~ **(15)** "Reading instruction" means instruction on the five (5) components of scientifically-based reading, which includes the following:

(A) Phonics.

(B) Phonemic awareness.

(C) Fluency.

(D) Vocabulary.

(E) Comprehension.

~~(12)~~ **(16)** "Scaffolding" means instruction that builds on a student's prior knowledge and internalizes new information.

~~(13)~~ **(17)** "Scientifically-based reading research" means research that includes the following:

(A) Scientific methods with an emphasis on experimental control or comparison groups.

(B) Replication of results, using multiple studies by different investigators.

(C) Ability to generalize results from one (1) sample to other children in the general population.

(D) Fulfillment of rigorous standards with an emphasis on peer review.

(E) Consistency of results between studies.

**(18) "Universal screener" has the meaning set forth in IC 20-35.5-1-7.**

*(Indiana State Board of Education; 511 IAC 6.2-3.1-1; filed Mar 25, 2011, 10:26 a.m.: 20110420-IR-511100635FRA; readopted filed Nov 16, 2017, 1:20 p.m.: 20171213-IR-511170398RFA)*

SECTION 2. **511 IAC 6.2-3.1-3** IS AMENDED TO READ AS FOLLOWS:

### **511 IAC 6.2-3.1-3 Reading plan; components**

**Authority:** IC 20-19-2-8; IC 20-32-8.5-4

**Affected:** IC 20-31; IC 20-32-8.5

Sec. 3. (a) A reading plan includes the following:

(1) Membership of the reading leadership team.

(2) Measurable student achievement goals for each grade level.

(3) Reading instruction in accordance with section 4 of this rule.

- (4) Details of the manner in which the school plans to use formative and summative assessments for the following:
- (A) Students in kindergarten through grade 2 that measure the following:
    - (i) Phonemic awareness.
    - (ii) Phonics.
    - (iii) Fluency.
    - (iv) Vocabulary.
    - (v) Comprehension.
  - (B) Students in grade 3 and higher that measure vocabulary and comprehension in relation to content knowledge.
- (5) Intervention in accordance with section 5 of this rule.
- (6) A requirement that all students taking ~~ISTEP and IMAST assessments~~ **the statewide assessment program test** take the IREAD-3 assessment.
- (7) Beginning with the 2012-2013 school year, retention of a student in grade 3 if the student does not achieve a passing score on the IREAD-3 assessment during the previous school year or during a subsequent attempt at passing IREAD-3. The student shall not be retained if one (1) of the following applies to the student:
- (A) The student has been retained two (2) times prior to promotion to grade 4.
  - (B) The student has a disability and a case conference committee has determined that promotion is appropriate.
  - (C) The student is an English learner and a committee consisting of:
    - (i) the student's parent;
    - (ii) a building level administrator or designee;
    - (iii) a classroom teacher of service;
    - (iv) an English learner teacher, if one exists; and
    - (v) an English learner district administrator, if one exists;determines that promotion is appropriate based on the implementation of researched-based instructional practices outlined in the student's individual learning plan.
- (8) Promotion of students retained under subdivision (6) when the student achieves grade-level reading proficiency as demonstrated by passing IREAD-3.
- (9) Professional development for teachers that includes the following:
- (A) Utilizing assessment data to target the measurable student achievement goals for each grade level.
  - (B) Development differentiated for teachers based on classroom data.
  - (C) Development of model classrooms within the school.
  - (D) When possible, job-embedded time for professional development and collaboration.
- (10) A monitoring plan that evaluates the implementation of the reading plan.
- (11) **A universal screener or screening tool that:**
- (A) is approved by the department;**
  - (B) screens for characteristics of dyslexia; and**
  - (C) includes indicators to screen for risk factors of dyslexia.**

**(b) The universal screener must be reported in the kindergarten through grade 2 reading plan.**

~~(b)~~ (c) A reading plan for a charter school will be collected by a charter school's sponsor, and must include the general information required in this section, but does not need to meet the form prescribed by the department. (*Indiana State Board of Education; 511 IAC 6.2-3.1-3; filed Mar 25, 2011, 10:26 a.m.: 20110420-IR-511100635FRA; filed Mar 21, 2012, 11:28 a.m.: 20120418-IR-511110561FRA*)

SECTION 3. **511 IAC 6.2-3.1-6 IS ADDED TO READ AS FOLLOWS:**

**511 IAC 6.2-3.1-6 Dyslexia screening requirements**

**Authority: IC 20-19-2-8; IC 20-19-2-16; IC 20-35.5**

**Affected: IC 20-19-2; IC 20-35.5-2-7**

**Sec. 6. (a) The mandatory universal screener approved by the department must include, as developmentally appropriate, the following:**

**(1) Phonological and phonemic awareness.**

**(2) Sound symbol recognition.**

**(3) Alphabet knowledge.**

**(4) Decoding skills.**

**(5) Rapid naming skills.**

**(6) Encoding skills.**

**(b) Except as provided in subsection (c), the following students must be screened:**

**(1) Students in kindergarten, grade 1, and grade 2.**

**(2) Students in kindergarten, grade 1, and grade 2 who transfer to a new school and have not previously been screened during the school year.**

**(3) Students in grade 3 or higher that have difficulty, as noted by the classroom teacher, in:**

**(A) Phonological and phonemic awareness.**

**(B) Sound symbol recognition.**

**(C) Alphabet knowledge.**

**(D) Decoding skills.**

**(E) Rapid naming skills.**

**(F) Encoding skills.**

**(4) Students in kindergarten through grade 2 from another state that enroll in an Indiana school for the first time, unless the student has documentation that the student was screened for dyslexia during the school year.**

**(c) A school corporation or charter school is not required to administer a universal screener to a student if:**

**(1) the student's parent or guardian objects to the screening;**

**(2) the student is already receiving intervention services for dyslexia; or**

**(3) the student falls within an exception identified by the department in the Indiana dyslexia resource guide required by IC 20-35.5-7-2.**

SECTION 4. [511 IAC 6.2-3.1-7](#) IS ADDED TO READ AS FOLLOWS:

**511 IAC 6.2-3.1-7 At-risk student screening**

**Authority:** [IC 20-19-2-8](#); [IC 20-19-2-16](#); [IC 20-35.5](#)

**Affected:** [IC 20-19-2](#); [IC 20-35.5-3-7](#)

**Sec. 7. (a)** If a student is determined to be at risk, or at some risk, for dyslexia after a screening, the school corporation or charter shall administer a level I dyslexia screening to the student.

**(b)** A school corporation or charter school may administer a level II dyslexia screening, based on the results of the level I dyslexia screening.

**(c)** Both level I and level II dyslexia screenings must include the components listed in [511 IAC 6.2-3.1-6](#) and be completed consistent with the Indiana dyslexia resource guide released by the department as required by [IC 20-35.5-7-2](#).

**(d)** A parent or guardian must provide written consent before a level I and/or level II dyslexia screening is administered.

SECTION 5. [511 IAC 6.2-3.1-8](#) IS ADDED TO READ AS FOLLOWS:

**511 IAC 6.2-3.1-8 Intervention Services**

**Authority:** [IC 20-19-2-8](#); [IC 20-19-2-16](#); [IC 20-35.5](#)

**Affected:** [IC 20-19-2](#); [IC 20-35.5-2-7](#)

**Sec. 8. (a)** If any of the screenings indicate that a student has the characteristics of dyslexia, the school corporation or charter school shall use the response to intervention process to address the needs of the student.

**(b)** If the student's performance on any of the screenings indicate a need for dyslexia intervention services, the school corporation or charter school shall:

**(1)** Notify the parent or guardian of the results of the screening(s).

**(2)** Provide the student's parents/guardians with information and resource materials that include:

**(A)** characteristics of dyslexia;

**(B)** appropriate classroom interventions and accommodations for students with dyslexia; and

**(C)** a statement that the parent or guardian may elect to have an educational evaluation by the school.

**(c)** If screenings indicate a need for intervention services, the intervention may include:

**(1)** explicit, direct instruction that is systematic, sequential, and cumulative and follows a logical plan of presenting the alphabetic principle that targets the specific needs of the student without presuming prior skills or knowledge of the student;

- (2) individualized instruction to meet the specific needs of the student in a setting that uses intensive, highly concentrated instruction methods and materials that maximize student engagement, meaning based instruction directed at purposeful reading and writing with an emphasis on comprehension and composition;
- (3) instruction that incorporates the simultaneous use of two or more sensory pathways during teacher presentations and student practice; and
- (4) other instructional approaches as determined appropriate by the school corporation or charter school.

SECTION 6. [511 IAC 6.2-3.1-9](#) IS ADDED TO READ AS FOLLOWS:

**[511 IAC 6.2-3.1-9](#) Reporting; dyslexia**

**Authority:** [IC 20-19-2-8](#); [IC 20-19-2-16](#); [IC 20-35.5](#)

**Affected:** [IC 20-19-2](#); [IC 20-35.5-2-7](#)

**Sec. 9. (a)** In accordance with the reading plan, a school corporation or charter school must report the number of students who were:

- (1) administered the universal screener; and
- (2) determined to be at risk, or at some risk, for dyslexia.

(b) Subject to the requirements set forth in subsection (c), each year, before July 15, each school corporation or charter school shall report the following information on the school corporation's or charter school's Internet web site:

- (1) the dyslexia interventions that were used during the previous year;
- (2) the number of students who received dyslexia interventions; and
- (3) the total number of students identified as being at risk, or at some risk, for dyslexia during the previous school year.

(c) The information required under subsection (b) shall not be reported on a school corporation's or charter school's Internet web site if the total number of students who received dyslexia interventions or the total number of students identified as being at risk, or at some risk, for dyslexia during the previous school year is fewer than ten (10).

SECTION 7. [511 IAC 6.2-3.1-10](#) IS ADDED TO READ AS FOLLOWS:

**[511 IAC 6.2-3.1-10](#) Reading specialist trained in dyslexia**

**Authority:** [IC 20-19-2-8](#); [IC 20-19-2-16](#); [IC 20-35.5](#)

**Affected:** [IC 20-19-2](#); [IC 20-35.5-2-7](#)

**Sec. 10. (a)** Beginning with the 2019-2020 school year, each school corporation and charter school shall employ at least one (1) individual to serve as an authorized reading specialist trained in dyslexia. The authorized reading specialist must have successfully completed training in a dyslexia program approved by the department.

(b) A school corporation or charter school may enter into an agreement with a service provider or another school corporation or charter school to obtain or share services provided by an authorized reading specialist trained in dyslexia.

(c) A school corporation or charter school may submit a written petition to the department for a waiver from the requirement set forth in subsection (a). The written petition must be submitted in the manner prescribed by the department and must specify the reasons the school corporation or charter school is seeking the waiver.

(d) A waiver granted by the department under subsection (c) is for one (1) school year only.

SECTION 8. [511 IAC 6.2-3.1-11](#) IS ADDED TO READ AS FOLLOWS:

**[511 IAC 6.2-3.1-11](#) Rights conferred by IDEA**

**Authority:** [IC 20-19-2-8](#); [IC 20-19-2-16](#); [IC 20-35.5](#)

**Affected:** [IC 20-19-2](#); [IC 20-35.5-2-7](#)

**Sec. 11.** This administrative rule shall not be interpreted to or applied in a manner that denies or delays any rights conferred by [511 IAC 7](#) or the Individuals with Disabilities Education Act.

[Notice of Public Hearing](#)